

***IN THE UNITED STATES DISTRICT COURT  
FOR DISTRICT OF NEW MEXICO***

***Before the Honorable Lourdes A. Martínez, United States Magistrate Judge***

**Clerk's Minutes**

**CASE TITLE:** *Dale Burden v. Walter Meir*      **DATE:** August 14, 2012  
*(Manufacturing), Inc.*

**CASE NO:** CIV 12-0461 JEC/LAM

**COURTROOM CLERK:** Cathy F. Alvarez      **REPORTER:** N/A

**PROCEEDINGS COMMENCED:** 10:00 a.m.      **COURT IN RECESS:** 10:40 a.m.

**PLAINTIFF(S)' ATTORNEYS PRESENT:**      **DEFENDANT(S)' ATTORNEYS PRESENT:**

John K. Chapman  
William H. Carpenter

Joshua Lee

**TYPE OF PROCEEDING:** Telephonic Rule 16 Initial Scheduling Conference

**COURT'S RULING(S):**

I. The Court set the following case management deadlines (**any due date falling on a weekend or Court holiday will be extended to the next work day of the Court**):

- a. This case is assigned to a **standard 150 day** track classification.
- b. Discovery completed no later than **January 14, 2013**.
- c. Motions related to discovery filed and served no later than **February 4, 2013**.
- d. Plaintiff shall identify to all parties in writing any expert witness to be used by Plaintiff at trial and provide expert reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) no later than **November 14, 2012**.

All other parties shall identify in writing any expert witness to be used by such parties at trial and shall provide expert reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) no later than **December 14, 2012**.

- e. Pre-Trial Motions other than discovery motions (this includes motions requesting a Daubert hearing) are to be filed and served no later than **February 25, 2013**
- f. Pre-Trial Order from Plaintiff(s) to Defendant(s) no later than **May 14, 2013**.  
Pre-Trial Order from Defendants to Court no later than **May 28, 2013**.

- g. Deadline for Plaintiff(s) to amend pleadings or add additional parties pursuant to Fed. R. Civ. P. 15 which may require the opposing party's written consent or leave of Court: **September 14, 2012.**

Deadline for Defendant(s) to amend pleadings or add additional parties pursuant to Fed. R. Civ. P. 15 which may require the opposing party's written consent or leave of Court: **October 15, 2012.**

II. **Rule 16 Settlement Conference**

The Court discussed the status of any settlement discussions to date.

The Court will set a Settlement Conference on **Tuesday, January 8, 2013 @ 9:30 a.m., in Las Cruces, New Mexico.**

- III. The parties anticipate that a **10 day jury trial** will be necessary for this case.

***THE COURT MADE THE RULINGS DESCRIBED ABOVE. AN ORDER CONSISTENT WITH THE COURT'S RULINGS WILL BE FILED WITH THE CLERK'S OFFICE***

IV. **Discovery and Motion Practice:**

*The Court asked whether Rule 26 disclosures have been made:*

- a. Plaintiff(s): [ **X** ] Yes [ ] No. If no, shall be made by:  
b. Defendant(s): [ **X** ] Yes [ ] No. If no, shall be made by:

*The Court asked the parties if they anticipate any discovery disputes or issues regarding electronic discovery.*

- a. ***The Court explained that if the parties encounter a discovery dispute and are unable to resolve it themselves, they may contact the Court to schedule an informal telephonic conference or file a written motion with the Court.***

*The Court asked the parties if they anticipate filing any pretrial motions.*

*The Court asked the parties about the experts they plan to use and the need for a Daubert hearing.*

*The Court will conduct a telephonic case management status conference on **Tuesday, November 13, 2012 @ 9:30 a.m.***

V. **ADDITIONAL MATTERS:**

*The Court advised Mr. Chapman and Mr. Carpenter that their contentions as outlined in the JSR & PDP were not in proper form, which calls for factual statements, and ordered them to amend their contentions by filing a supplement to their contentions **by Monday, August 20, 2012.***

*The depositions will be limited to **6 per side.***

*The interrogatories will be limited to **30 per side.***

*The Order adopting the JSR & PDP will reflect that the Court limited the depositions of the parties and experts, if any, to **7 hours each** unless extended by the agreement of all parties.*

*The Order adopting the JSR & PDP will reflect that the Court limited the depositions of the witnesses to **4 hours each** unless extended by the agreement of all parties.*

*There was nothing further and the hearing was adjourned.*